

NARBERTH BOROUGH

BOROUGH COUNCIL

MONTGOMERY COUNTY, PENNSYLVANIA

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A public hearing was held before the Narberth Borough Council, in Narberth Borough, Montgomery County, Pennsylvania, at the Narberth Borough Municipal Building, 100 Conway Avenue, Narberth, Pennsylvania, on Monday, August 11, 2014, commencing at 7:30 p.m., for Narberth Council Caucus Meeting.

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BOARD MEMBERS PRESENT:

SAMUEL QUINN, President  
AARON MUDERICK, Vice President  
ROBERT WEISBORD  
ROBERT WEGBREIT

- - -

COUNSEL APPEARED AS FOLLOWS:

MARC JONAS, ESQUIRE  
Solicitor for the Township

- - -

ALSO PRESENT:

THOMAS GRADY, Mayor  
WILLIAM MARTIN, Borough Manager

- - -

TIM KUREK  
OFFICIAL COURT REPORTER  
(610) 278-3237

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**NARBERTH COUNCIL MINUTES**

**THE PRESIDENT:** Good evening,  
everyone. I would like to call the meeting to  
order for Borough Council Caucus and regular  
Council meeting, August 11, 2014.

Bill, could you call the  
role, please?

**MR. MARTIN:** I would be happy  
to do so.

Mr. Alexander?

(No response.)

**MR. MARTIN:** Mr. Diaz?

(No response.)

**MR. MARTIN:** Vice-president  
Muderick?

**MR. MUDERICK:** Present.

**MR. MARTIN:** Mr. Silio?

(No response.)

**MR. MARTIN:** Mr. Wegbreit?

**MR. WEGBREIT:** Here.

**MR. MARTIN:** Mr. Weisbord?

**MR. WEISBORD:** Here.

**MR. MARTIN:** Council  
President Quinn?

**THE PRESIDENT:** Here.

1                                   **NARBERTH COUNCIL MINUTES**

2                                   There being a quorum, we  
3 shall continue.

4                                   Councilman Wegbreit, would  
5 you care to lead us in the Pledge of Allegiance?

6                                   **MR. WEGBREIT:** Sure.

7                                   (Pledge of Allegiance.)

8                                   **THE PRESIDENT:** Before we  
9 move onto consideration of the minutes, under  
10 Item 4 of tonight's agenda, I'm going to report  
11 that Council has received a resignation letter  
12 from Councilman Michael Alexander dated July 14,  
13 2014.

14                                  We'll ask that the letter be  
15 made a part of the record and be made available  
16 to Council and the public and we'll discuss it  
17 later in matters of new business.

18                                  Next up, consideration of the  
19 minutes of the July 14th, 2014, combined caucus  
20 Council meeting.

21                                  Is there a motion to approve  
22 those minutes?

23                                  **MR. MUDERICK:** So moved.

24                                  **THE PRESIDENT:** Is there a  
25 second?

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2                                   **MR. WEISBORD:** I'll second  
3 that.

4                                   **THE PRESIDENT:** Is there any  
5 discussion?

6                                   **MR. WEGBREIT:** Those are the  
7 minutes that we got the transcript at this point?

8                                   **THE PRESIDENT:** They are.  
9 Are you asking me? I don't know.

10                                  **MR. WEGBREIT:** Yeah. I just  
11 want to confirm that that's the ones we're  
12 talking about.

13                                  **MR. MUDERICK:** Yes.

14                                  **MR. WEGBREIT:** So I did want  
15 to talk about the concept of transcripts versus  
16 synthesized minutes versus -- so within the  
17 context of approving minutes or not approving the  
18 minutes, it's clearly not a part of the  
19 discussion, but --

20                                  **THE PRESIDENT:** Why don't we  
21 assign that to the Administration Committee to  
22 look at again?

23                                  **MR. WEGBREIT:** Just so it's a  
24 short-term, very different way of doing it right  
25 now. I just want to make sure we're all

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**NARBERTH COUNCIL MINUTES**

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comfortable with that and what it represents.

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**MR. MUDERICK:** It is not my preference, it is not something I would like to do long term, but I think for the moment, it's expedient.

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**THE PRESIDENT:** And given tonight's agenda and a full room.

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**MR. WEGBREIT:** Okay. I just wanted to make sure we acknowledge that it's a different way to go.

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**MR. WEISBORD:** I have a quickie, minor question about the current set of minutes.

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On Page 41, a statement was attributed to Bob Wegbreit -- I mean, to me, that was actually said by Bob Wegbreit, and I made that -- I didn't hear back whether that correction was made.

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**THE PRESIDENT:** Why don't we table it. I'm not sure what you're talking about. Let's just table the minutes and leave them unapproved.

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Let the minutes reflect that we're going to table the consideration of the

1                                   **NARBERTH COUNCIL MINUTES**

2       minutes from July.

3                                   I move to table.

4                                   **MR. MUDERICK:**    Second.

5                                   **THE PRESIDENT:**  All in favor  
6       of table in consideration of the minutes?

7                                   **MR. WEISBORD:**  Aye.

8                                   **MR. WEGBREIT:**  Aye.

9                                   **MR. MUDERICK:**  Aye.

10                                  **THE PRESIDENT:**  Aye.

11                                  Okay.  The minutes are  
12       tabled.

13                                  Next up, No. 5, Reports:  The  
14       Mayor.

15                                  **THE MAYOR:**  Thank you,  
16       Council President.

17                                  With regard to -- we have  
18       some members missing, and so August is a pretty  
19       big vacation month.

20                                  If you decide to go on  
21       vacation, tell your friends, tell your relatives,  
22       tell your constituents to contact the police  
23       department or contact me.  We do these house  
24       checks during the month of August and throughout  
25       the whole year, in fact.  The police will come

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2 by, they'll drop a card, they'll check on the  
3 house and property each day when you're gone.  
4 It's a great service offered by the police  
5 department. So if you can remember, pass the  
6 word out. That's all I have to report tonight.  
7 Thank you.

8 **THE PRESIDENT:** Thank you,  
9 Mr. Mayor.

10 Does have anybody have any  
11 questions or comments for him?

12 (No response.)

13 **THE PRESIDENT:** Next up, we  
14 have the library report. I do not see Ms. Waters  
15 here, so I shall abbreviate.

16 Science in the Summer was  
17 very successful. Children taught chemistry by  
18 Mr. Maxwell. Both sessions were full and we had  
19 a teen volunteer.

20 All the children of events  
21 are well attended, between 25 and 40 children,  
22 and parents in attendance.

23 Group patrons and friends  
24 attended the Phillies game this past Saturday  
25 night as a fundraiser and social gathering.

1                                   **NARBERTH COUNCIL MINUTES**

2                                   I ask that the report of the  
3 library be accepted and submitted and be made  
4 available to Council and public.

5                                   Next up, we have the  
6 treasurer report.

7                                   Let me move on just with the  
8 trial balance of three thirty-nine eight  
9 twenty-nine seventy-one matches the Borough  
10 manager ledger balance as well, and I don't  
11 have -- here we go. We're going to put the  
12 treasurer report aside for a moment.

13                                  I'll move onto the tax  
14 collector report. For Borough real estate taxes,  
15 the collection rate is just over 97 percent.  
16 That's the same for solid waste and sewer.  
17 County taxes have been collected at just over  
18 97 percent, and the school taxes are only in at  
19 seven percent, but I understand they just went  
20 out.

21                                  Mr. Jonas, your next up. Is  
22 there a solicitor report?

23                                  **MR. JONAS:** No, there is not.

24                                  **THE PRESIDENT:** Mr. Martin,  
25 do you have a Borough manager report?



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2   Anybody have any questions or comments?

3                                   (No response.)

4                                   **THE PRESIDENT:**   Moving along  
5   to Agenda Item No. 6, reports of the Standing  
6   Committee and Finance Committee.

7                                   Vice-president Muderick.

8                                   **MR. MUDERICK:**   Give me a  
9   moment, sorry.  I do not have the reports.  I  
10   have an Ordinance for the general obligation  
11   note.

12                                  **MR. MARTIN:**    You should  
13   have -- that's it.

14                                  **MR. MUDERICK:**   Council  
15   members, it is with pleasure the Finance  
16   Committee submits the schedule of bills dated  
17   July 14th, 2014, and approves the same.  The  
18   bills are summarized by classification as  
19   follows:  Administration, \$52,893; Public Safety  
20   \$58,600; Health and Welfare: Sanitary Sewer,  
21   \$6,606; Solid Waste: Trash and Recycling 38,544;  
22   Highway, \$50,677; Property and Recreation:  
23   \$103,487; zero dollar for Refund Aggressions;  
24   zero in Snow Emergency, zero in Investments; Debt  
25   Service, \$4,007; Capital Outlay, \$5,500;

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2 Miscellaneous, zero -- for a general fund total  
3 of \$320,317.08. Highway Aid Fund total  
4 \$4,240.18.

5 **THE PRESIDENT:** Do we have a  
6 motion to pay the bills?

7 **MR. WEISBORD:** I move that  
8 the report of the Finance Committee be accepted  
9 as read, the schedule of bills be approved by  
10 Council, that the Treasury be authorized to draw  
11 checks and payment of these bills to be approved  
12 by the president of Council, attested by the  
13 Borough secretary, and that all bills be paid.

14 **THE PRESIDENT:** Is there a  
15 second?

16 **MR. WEGBREIT:** Second.

17 **MR. MUDERICK:** Any other  
18 discussion?

19 **THE PRESIDENT:** Anybody else  
20 have any comments?

21 (No response.)

22 **THE PRESIDENT:** All those in  
23 favor of paying the bills as authorized by the  
24 Finance Committee motion, please signify by  
25 saying aye.

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**MR. WEISBORD:** Aye.

**MR. WEGBREIT:** Aye.

**MR. MUDERICK:** Aye.

**THE PRESIDENT:** Aye.

Any opposed?

(No response.)

**THE PRESIDENT:** Motion

carries. You will pay the bills.

Do you have anything else,

Aaron?

**MR. MUDERICK:** Yeah. We are

going to -- do you want to do the general

obligation note now or do you want to wait until

public comment?

**MR. MARTIN:** Yeah, you can do

it now. Discussion would be good at this time.

**MR. MUDERICK:** Okay. Council

members, the members of the Finance Committee

recommend the acceptance of the proposal

submitted by Customers Bank in the amount of

\$500,000. I have a letter here. It describes --

well, let's get it on the table.

Do we have a second?

**MR. WEISBORD:** Second.

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**MR. MUDERICK:** This is an offer from Customers Bank, which was the only bank to respond to our request for financing.

Bill, how many requests did we put in?

**MR. MARTIN:** About five, plus we used an outside agent as well.

**MR. MUDERICK:** Right.

**MR. MARTIN:** Which we used in the past.

**MR. MUDERICK:** Flexible for a term of up to ten years and it has two options with interest rates ranging between 2.25 and 2.35 percent, depending on exactly how the money is borrowed, with an interest rate that floats at prime plus .65 percent.

**MR. WEGBREIT:** This is capped at five and a quarter.

**MR. MUDERICK:** It caps at five and a quarter.

**MR. MARTIN:** We are recommending just the seven years, which is what our original determination had been when we were originally looking for the \$700,000. But with

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2 the monies that we had received from the Rockland  
3 Avenue bridge, that allowed us the opportunity to  
4 significantly reduce the outside debt service  
5 down to 500,000. But they would still go with us  
6 at almost the same rate for the seven-year  
7 period, which has a very, very nice effect on the  
8 2015, '16, '17, and '18.

9 **MR. MUDERICK:** I'm sorry. I  
10 misspoke. It is not prime plus .65. It is 65  
11 percent of prime.

12 **MR. MARTIN:** Yes. The going  
13 rate, prior to this, our last general obligation  
14 note, and we have done many of our roadway  
15 resurfacing projects in that manner, were coming  
16 in at half of prime plus one. So this is a  
17 significantly strong submission for us.

18 **MR. MUDERICK:** That's my two  
19 cents. Maybe I could go over what the funds will  
20 be used for before we vote.

21 **MR. MARTIN:** Absolutely.

22 **MR. MUDERICK:** Is this  
23 resolution separate?

24 **MR. MARTIN:** That resolution  
25 is separate. The introduction that you have in

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2 the title of the Ordinance, we specifically had  
3 that broken down.

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**MR. MUDERICK:** All right.

5 The monies will be used to finance certain  
6 capital projects of the Borough including, A, the  
7 planning design and construction related to the  
8 repair and renovation of the North Narberth  
9 Avenue bridge; B, improvements and renovations to  
10 the terrace at the Narberth library; C, removal  
11 of the Rockland Avenue bridge; D, resurfacing of  
12 Hampton Avenue, the three hundred block, which is  
13 currently unpaved; E, the greening of Windsor  
14 Avenue; and F, paying the costs and expenses of  
15 issuing the note. That is what the money will be  
16 spent for. But the acceptance of the proposal is  
17 separate from the adoption of the Ordinance?

18

**MR. MARTIN:** That is correct.

19

**MR. MUDERICK:** All right.

20 I'll put one to the side. So on the table is  
21 acceptance of proposal, and I have no further  
22 discussion.

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**THE PRESIDENT:** You made the

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motion.

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**MR. MUDERICK:** Yes. The



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**MR. WEGBREIT:** Okay. I wanted to verify. That's all.

**MR. JONAS:** Procedurally, I sent an e-mail around to Bill earlier today. I think this originally intended to be introduced today. But the Council could enact, pass the Ordinance today. It's been advertised. It was contemplated that it would be enacted today. If we postpone it, you know, typically bifurcate the introduction and action the next month, it will cost the Borough some additional monies. The manual procedure allows the Borough Council to act on it tonight once it's introduced. So that's actually our recommendation that you pass the Ordinance tonight.

**THE PRESIDENT:** Any further questions or comments?

(No response.)

**THE PRESIDENT:** All those in favor of approving the motion of the Finance Committee for a \$500,000 general obligation note, please signify by saying aye.

**MR. WEISBORD:** Aye.

**MR. WEGBREIT:** Aye.

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**MR. MUDERICK:** Aye.

**THE PRESIDENT:** Aye.

Any opposed?

(No response.)

**THE PRESIDENT:** Motion

carries unanimous.

Aaron, are you finished with

Finance Committee?

**MR. MUDERICK:** Two questions.

Bill, this acknowledgment of

the award, is that part of the finances or is

that separate?

**MR. MARTIN:** Actually, we had

kind of figured that was the award coming to us

for the grant. Part of the approval of the

\$500,000 takes into that grant plus two of the

items: one is the terrace and one is the greening

of Windsor Avenue.

**MR. MUDERICK:** Right. Why

don't I make the relevant details part of the

record?

**MR. MARTIN:** You may feel

free to do that on the resolution.

**MR. MUDERICK:** Part of the

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2 \$500,000 is being supported by a grant awarded to  
3 Narberth Borough to improve the East Branch of  
4 Indian Creek Stormwater Management Initiative.  
5 So we will be spending \$165,000 for the terrace  
6 and for the greening of Windsor Avenue. And the  
7 National Fish and Wildlife Foundation will be  
8 granting us \$26,000 towards the library terrace  
9 and \$120,000 granted towards the Windsor Avenue  
10 project, 15,000 granted to Narbrook Park and an  
11 additional 18,000 for the Lower Merion  
12 Conservancy to administer the greening project,  
13 for a total grant amount of \$179,000. I think  
14 that's a good deal for us. Thank you. Thank you  
15 for all your work on that.

16 **MR. MARTIN:** I must admit  
17 that I stole some of the very, very fine  
18 terminologies on the part of the resolution from  
19 Ms. Patty Thompson, who's sitting in the back  
20 row, who represents the Lower Merion Conservancy.

21 **MR. MUDERICK:** Thank you.

22 **THE PRESIDENT:** Aaron, to  
23 finish up this note, I'm going to need two  
24 motions.

25 **MR. MUDERICK:** Later.



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2 who worked on this because it's a great project  
3 for the region and Narberth. So to get this type  
4 of funding in such a tight time format is very  
5 impressive, so thank you.

6

**THE PRESIDENT:** And I think  
7 Council would also join in on Mr. Wegbreit's  
8 congratulations. Thank you.

9

**MR. MUDERICK:** Yes.

10

**THE PRESIDENT:** All in favor  
11 of the resolution from Vice-president Muderick  
12 regarding the East Branch of Indian Creek, please  
13 signify by saying aye.

14

**MR. WEISBORD:** Aye.

15

**MR. WEGBREIT:** Aye.

16

**MR. MUDERICK:** Aye.

17

**THE PRESIDENT:** Aye.

18

Any opposed?

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(No response.)

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**THE PRESIDENT:** Motion

21 carries unanimous.

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Back to the Ordinance.

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**MR. MUDERICK:** So what's the

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first thing?

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**MR. JONAS:** A motion to

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introduce the Ordinance in the typical fashion.  
Once that passes, a motion to enact.

**MR. MUDERICK:** Council members, I move that we introduce Ordinance No. 973.

**MR. JONAS:** Just say it's available as part of the record and available to the public.

**MR. MUDERICK:** The title of which is available as part of the record and available to the public.

**THE PRESIDENT:** We need a second.

**MR. WEGBREIT:** Second.

**THE PRESIDENT:** Any discussion?

(No response.)

**THE PRESIDENT:** All in favor of approving the motion to introduce Ordinance 973, please signify by saying aye.

**MR. WEISBORD:** Aye.

**MR. WEGBREIT:** Aye.

**MR. MUDERICK:** Aye.

**THE PRESIDENT:** Aye.



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**THE PRESIDENT:** Motion

carries unanimous.

Does that finish with

finance?

**MR. MUDERICK:** One last

thing. We received our results of our audit, and

there is nothing of consequence to report. The

books are in order.

**THE PRESIDENT:** That's good.

Now, with Council's

indulgence, I was going to skip up to the

Building and Zoning Committee as we have several

members of the public that are here regarding

issues regarding that. Does anybody have any

problem?

**MR. MUDERICK:** That's fine.

**MR. WEISBORD:** Thank you, Mr.

President. It's a pleasure that your Building

and Zoning Committee submitted the report for the

month of July 2014. We have no update from last

month on the Form-Based Code. It's continuing on

track, and we have submitted a draft to the

Council and public in September for the

Montgomery County Planning Commission.

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We have tonight in the audience the developer and attorney of the St. Margaret's school, the Forest Avenue project. And we have a motion to grant a waiver for the old St. Margaret's school.

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I think this topic warrants a little bit of discussion just for clarification of what's going on over the last month. The applicant came to the Building and Zoning Committee on June 30th with a document, this document here, that actually specified a great number of details related to the masonry, the garage linked to a fence, the lighting, the trees, the boundary plantings, and the garage door. The Building and Zoning Committee reviewed these with the applicant, and it basically was a lot of good to us. So we felt we could recommend that portion to the Council for approval.

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The other outstanding issues, primarily some issues surrounding stormwater management that were handled by the solicitor and the Borough engineer, and the window details, which were managed by the Building and Zoning Committee.

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2                   So, as for the window  
3 details, we were able to hammer those out with  
4 Mr. Moser's cooperation and great interest in  
5 helping us to get the result that many people in  
6 the community who care about the kind of  
7 historical look of things appreciate. So we now  
8 have -- it appears that the facade looks good,  
9 and the Building and Zoning Committee is ready to  
10 recommend approval of that element of this  
11 motion.

12                   So that leaves finally the  
13 stormwater management issue. And also, I guess  
14 something that seems to have popped up more  
15 recently, an issue that the Borough engineer  
16 brought to our attention around the zoning for  
17 the loading area on the property, and I would  
18 like to ask Mr. Jonas if he could address that  
19 issue.

20                   **MR. JONAS:** Sure. There have  
21 been actually two formal reviews by the Borough  
22 engineer on this application -- one dated  
23 May 9th, the other one dated June 2nd. And both  
24 of those review letters, the Borough engineer  
25 pointed to Section 124-55.4, that essentially



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2 everybody saying he did not think that the  
3 driveway would qualify as a sufficient loading  
4 area.

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6 So right now we have an  
7 outstanding zoning issue. So when first leveled  
8 the question is, will there be a loading area  
9 that's sufficient, and that would be determined  
10 by the Borough engineer?

11

12 If they cannot provide that,  
13 and this could be a condition of approval and  
14 that's the way it's worded, if they can't provide  
15 a loading area either into going or outside the  
16 building on the property that is sufficient for  
17 the opinion of the Borough engineer, then there  
18 would be no alternative to request a variance  
19 from the Zoning Hearing Board.

20

21 It's a questioning of  
22 essentially of both law and fact. It's not a  
23 zoning required. It's not encompassed by the  
24 conditional use ordinance which relates to use.  
25 This is one of those freestanding zoning  
requirements that the Borough Council can't waive  
or forgive or overlook, and that's kind of where  
we are.

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So, legally, there's a zoning issue relating to the loading area. And, factually, the Borough engineer is saying that what was proposed utilizing the driveway would not suffice as a sufficient loading area. That's the issue.

**MR. WEGBREIT:** Does that mean because it's a multi-unit building?

**MR. JONAS:** Narberth Borough Code simply says that the regulation with respect to loading and unloading spaces shall be as follows: In addition to the parking space required in Section 124-55.2, sufficient area shall be provided inside or outside the principal building for the loading and unloading of vehicles.

And remember, the building exists in terms of setbacks and all, but the use is changing. So, in my opinion, that provision applies, and either they comply or they would need a variance from it. And I'm not saying there wouldn't be, perhaps, a good argument for the grant of a variance given the existing conditions of the building, but it's a zoning

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2 requirement that has to be addressed.

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4 Again, this issue was raised  
5 in both of the official review letters from the  
6 Borough engineer beginning on May 9th.

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8 **MR. WEISBORD:** So the  
9 Building and Zoning Committee is here tonight  
10 prepared to recommend this motion for approval,  
11 including the land which that I think covers this  
12 issue of the loading area. It says the location  
13 of the loading area on the property -- the  
14 submission of the revised plans to the  
15 satisfaction of the Borough engineer that will  
16 include the location of the loading area on the  
17 property. So that leaves the applicant to work  
18 that issue out with the Borough engineer in order  
19 to seek a variance.

20

21 **MR. MUDERICK:** And that takes  
22 it off our table and we can approve it.

23

24 **MR. WEISBORD:** Yeah. It's  
25 not for us to do anything.

26

27 **MR. JONAS:** Yes. The  
28 language was worded exactly, correct, to give the  
29 applicant a chance to work it out, and if not,  
30 the route would lead to the Zoning Hearing Board.

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**MR. WEISBORD:** Are there any questions from the Council? Should we ask if there are any questions --

**MR. WEGBREIT:** On that topic or --

**MR. WEISBORD:** On this topic.

**MR. WEGBREIT:** I want to make sure, and I'm pretty sure based on back and forth that you and Bob had, the seepages were comfortable, that the stormwater management are at a level that the Borough engineer recommended.

**MR. JONAS:** Ultimately, the applicant agreed to comply with the requirements and request of the Borough engineer. That language is in the motion as well.

**MR. WEISBORD:** Good.

**MR. JONAS:** We had some back and forth on that, but, ultimately, it was we'll comply and we tweaked the language accordingly.

**MR. WEGBREIT:** Thank you. That's a very important aspect for this community.

I'll leave it to you, Mr. President, if you want to entertain questions

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from the public or the applicant.

**THE PRESIDENT:** We can put off on holding the -- well, I'll ask the applicant to address.

**MR. JONAS:** Yes.

**THE PRESIDENT:** Mr. Weiss, do you have something to address?

**MR. WEISS:** Thank you very much. I very much respect Marc Jonas's opinion. I respect Andrew Pockl. I've spoken to both of them. I spoke to Andrew this afternoon. He called me at 6:00 o'clock tonight. And with all respect, I disagree with the position that's been presented to you on this issue for the following reasons: The section of the Code that Marc read to you says that there has to be sufficient area for loading of vehicles. It does not talk about what kind of vehicle. It does not identify what the sufficient area should be, in your Zoning Ordinance, as you say what the size of parking spaces have to be. But in this situation, there is a serious ambiguity in the Ordinance that the law is, in my opinion, has to be read against the municipality.

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We are not saying that there is no loading area. We're saying that you have the driveway. The reason that you can't load or unload in the building is because with the entrance, there will be a seven, seven-and-a-half foot height. So a vehicle that would be higher than that would not be able to get in. So there's no loading of any kind of a truck.

This school has never had a loading area that would be, quote/unquote, sufficient in the opinion of either the engineer or the Borough solicitor.

So I'd like to hand out to you a letter that Bill Martin gave to us last December.

And one thing that I'm very careful about in representing my clients in these land use matters is it's one thing for me to give my opinion of what zoning relief is needed, but the most important opinion comes from the Borough. And we met with the Borough solicitor, we met with the Borough manager/zoning officer, the plans were submitted, and before we submitted our zoning application, we asked that certain

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2 things be acknowledged as legally nonconforming.

3

4 And in this situation, Bill  
5 Martin wrote us this letter December 24th, of  
6 last year, and said, The Borough of Narberth has  
7 determined as legally nonconforming as to lot  
8 width as to lot area, as to building area, as to  
9 front yard, side yard, impervious surface,  
10 building height, and parking. The property is  
11 constrained. It's constrained on the sides, it's  
12 constrained in the front and back, the area is  
13 constrained, the impervious coverage. And in our  
14 opinion, this issue of a loading area for a  
15 location that never had a loading area is a legal  
16 nonconformity.

17 And with all respect to you,  
18 while I appreciate the engineer's opinion, I  
19 believe that a logical way to deal with this  
20 issue, which we have been working on this project  
21 now for over a year and anxious to settle with  
22 the church, give the church its money and move  
23 forward with the project, is not -- not to make  
24 us go to the Zoning Hearing Board and apply for  
25 relief that no one pointed out until the engineer  
did his review was necessary. But separate and

1                                   **NARBERTH COUNCIL MINUTES**

2    apart from his review is whether the area is  
3    sufficient.

4                                   Now, while it may not be  
5    sufficient to the maximum, the driveway certainly  
6    is sufficient for some amount of loading.

7                                   The width, the engineer sent  
8    us an e-mail this afternoon, where he said  
9    that --

10                                  **THE PRESIDENT:** Mr. Weiss, if  
11    I could interrupt briefly. We're not going to  
12    reach this issue tonight. You agree with that;  
13    correct?

14                                  **MR. WEISS:** No.

15                                  **THE PRESIDENT:** We're not  
16    going to resolve it.

17                                  Your issues are preserved for  
18    a remedy down road. And I believe it's the hope  
19    and the language in this contains an agreement  
20    can be worked out with the Borough engineer. So  
21    I think talking forward about any hope for a  
22    variance, I think would be premature, unless I'm  
23    hearing it wrong.

24                                  **MR. WEISS:** All we're asking  
25    you to do is to adopt the resolution, but to

1                                   **NARBERTH COUNCIL MINUTES**

2   delete the requirement that we have to either  
3   provide a loading area or go to the Zoning  
4   Hearing Board for a variance.

5                                   **THE PRESIDENT:**   Let me speak  
6   to the building and zoning.  Is that something  
7   you can consider down the road, not tonight, or  
8   if you're ready to give an answer --

9                                   **MR. WEISBORD:**   It's my  
10   understanding that, as Council, it's not our  
11   jurisdiction.  So this would be.  It sounds to me  
12   like a very sensible argument that the applicant  
13   is making.

14                                   Sure.  There are many  
15   four-family homes in Narberth that don't have a  
16   loading area per se, and there's many  
17   nonconformances like this and they exist.  So it  
18   sounds to me like a good argument for the Zoning  
19   Hearing Board.  My understanding it's not our  
20   jurisdiction.  It's not for us to make, to waive  
21   this particular requirement.

22                                   **THE PRESIDENT:**   Let me see if  
23   I can cut to the chase.  Why don't you put your  
24   proposal in what you want us to do in writing to  
25   Mr. Jonas and then they can consider it.

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**MR. JONAS:** The problem is that the motion for approval, which is what the applicant wants, is ready for action tonight, and that motion includes an interpretation, you know.

**THE PRESIDENT:** Is he bound by that interpretation?

**MR. JONAS:** He's going to be bound by it, because it's the terms of the approval.

The other thing is that the zoning officer and the building official would be -- if this went down the line and then they ask for a building permit, the building code official would be, I think, within proper bounds to deny a building permit, because it's an outstanding zoning issue.

And what they could do is submit plans -- see, one of the problems is that despite the heads up from the Borough engineer's review there have never been plans submitted showing a sufficient loading area. So what they could do now is submit plans to the zoning officer, and the zoning officer would, upon the advice of the Borough engineer, make a



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2 customary to have a 30-foot length, and our  
3 length is 16 or 22 feet, whether you include the  
4 right-of-way.

5                               So my point is, what's  
6 sufficient is not defined in your Zoning  
7 Ordinance. And we should not have to go to the  
8 Zoning Hearing Board under these circumstances  
9 when all these other legal nonconformities were  
10 recognized to get the Zoning Hearing Board's  
11 decision. And I disagree. I think that is the  
12 elected officials' decision.

13                               **THE PRESIDENT:** But as we sit  
14 here right now, there's a pending motion on the  
15 table. So either the motion is going to be  
16 withdrawn and you're not going to get anything or  
17 you're going to take the conditional one if it  
18 gets approved. Is that an accurate statement?

19                               **MR. JONAS:** That's correct.  
20 My recommendation is that the motion is  
21 appropriate for action in its present form. And  
22 I think the applicant should get the approval and  
23 then work this out.

24                               **MR. WEISS:** There's no way to  
25 work it out.

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**MR. JONAS:** With all due respect, Ross, you had a heads up about this since early May, and you shouldn't have let it linger.

**MR. WEISS:** There were other things that were raised in the Borough engineer's letter where he pointed out that there were other zoning issues; he said no relief was granted, and the Borough acknowledged and recognized that they were legally nonconforming. If you read the letter that I just gave to you, there are seven or eight nonconformities.

Now, if the lot is not wide enough and it doesn't have enough setbacks, where are you going to put a loading area? Isn't the logical next step that the loading area is legally -- that issue is legally --

**MR. JONAS:** Not once you change the use, Ross.

**MR. WEISS:** The change in use would be different if the use before did not require a loading area. A school requires a loading area far more so than does a four-unit apartment building of modest size. The school

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2 that had a lot of kids coming to it and needed a  
3 lot of supplies needed a loading area far more  
4 importantly than does this proposed use, and  
5 that's my point.

6 I'm just asking you to be  
7 logical. And I'm asking you to recognize that we  
8 are on the cusp here. We have a contract with  
9 the church. The church cannot afford to maintain  
10 this property. The representatives of the church  
11 are here tonight. And what's going to happen if  
12 we have to spend another three to four months to  
13 try and get zoning relief, and we don't know  
14 whether we'll get the zoning relief. This  
15 building is likely to be demolished. And your  
16 Ordinance was intended to save these buildings.  
17 And this requirement for loading, because we're  
18 being so particular about a section in the  
19 Ordinance that is ambiguous when it uses the word  
20 "sufficient" is really contrary to what you  
21 wanted to accomplish when you said we'll grant  
22 special exceptions to change the use.

23 And I'm told that the  
24 Methodist church, which is a similar situation  
25 does not have a loading area. So it's not the

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2 end of the world. And I think you have the right  
3 and I think you have the obligation to deal with  
4 this issue and not just say it's a zoning issue.

5 **MR. WEISBORD:** What I would  
6 like to do tonight Council members is actually,  
7 enthusiastically endorse this motion to grant the  
8 preliminary subdivision/land development and  
9 approval for this project and recognize that the  
10 applicant is making a very cogent and good -- I  
11 think a reasonable argument.

12 **MR. MUDERICK:** Let me second  
13 the motion.

14 **MR. WEISBORD:** You can second  
15 the motion, and then we're going to have a  
16 discussion about it.

17 **MR. MUDERICK:** I second the  
18 motion.

19 **THE PRESIDENT:** Is there any  
20 further discussion on the seconded motion?

21 **MR. WEISBORD:** Yes. So then  
22 I would like to have a little discussion. I  
23 agree with the applicant's argument. There  
24 are -- this project is constrained by existing  
25 conditions. And I don't believe it's the

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2 Council's job to make this particular judgment.  
3 I do think it's within -- I do think it's  
4 something that the Borough engineer can make a  
5 determination on when the Borough engineer has  
6 the plans to evaluate. And it sounds to me like  
7 the Borough engineer doesn't have plans.

8

**MR. WEGBREIT:** He does.

9

**MR. JONAS:** The only thing he  
10 had and what he weighed in on today was during  
11 the process, the Borough engineer said that the  
12 applicant changed its opinion as to where the  
13 loading area was going to go. And then today, as  
14 this issue focused on, we were advised that it  
15 won't be inside, because there's no maneuvering  
16 room. It will be outside utilizing the driveway.  
17 I included the Borough engineer in that exchange  
18 of e-mails, and then he sent an e-mail saying use  
19 of the driveway, in his opinion, won't be  
20 sufficient, and that's how it ended up. That's a  
21 factual expert opinion; that is the purpose of  
22 the Borough engineer. I mean, that's not a legal  
23 question as to whether it's sufficient. And he  
24 makes that call because he's looking at turning  
25 radii and ingress and egress all the time as part



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sufficient.

**MR. WEISS:** Don't you see the

irony of the --

**THE PRESIDENT:** We get it.

**MR. WEISS:** Wait. Don't you

see the irony.

**MR. JONAS:** No, Ross. When

he says he gets it, then you have to sit down.

**MR. WEISS:** No. Before you

were saying it's insufficient. The zoning relief

doesn't solve the factual problem.

**MR. JONAS:** Please defer to

the Chair.

**THE PRESIDENT:** Please sit.

We're having a conversation among the Council. I

get your argument. It's void for vagueness.

Continue.

**MR. JONAS:** That's the point.

That's the function of the Borough engineer, and

he's giving his opinion on that, and I think we

need to rely upon that.

**MR. WEGBREIT:** We don't have

the right to change it. So if we passed it under

Ross's suggestion, it still wouldn't be valid, it

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2 wouldn't necessarily go through, because the  
3 zoning officer --

4 **MR. MUDERICK:** This is my  
5 question to Marc.

6 **MR. WEGBREIT:** Yeah. That's  
7 the issue.

8 **MR. JONAS:** That's an  
9 excellent point. The zoning officer could  
10 essentially overrule Council.

11 **MR. MUDERICK:** If we were to  
12 amend this motion to remove Section 2A, which  
13 describes the loading area, to pass it, where all  
14 of the conditions that need to be submitted to  
15 the satisfaction of the Borough engineer are  
16 things that we have previously agreed on, then  
17 what happens? What happens if we remove Section  
18 2A and we pass this motion?

19 **MR. WEISS:** Can we do --

20 **THE PRESIDENT:** This is up  
21 here, Ross. Thanks.

22 **MR. JONAS:** I'd be concerned  
23 that after this discussion, that they would have  
24 an argument saying that it had no longer been  
25 preserved. I think it's important to preserve



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forward?

**MR. MUDERICK:** Correct.

**MR. WEGBREIT:** In the conditional use Ordinance, to move this thing to the table in the first place, is there anything within that that requires them to continuously use that as a residential property? I'm just thinking that one of our big concerns is if it was a changed use down there -- of course, it probably won't, but still have to keep that in context -- is there anything because of the zoning relief that they're getting from the overall conditional use ordinance, doesn't that require them to maintain that as residences?

**THE PRESIDENT:** I think it's adaptive reuse ordinance.

**MR. WEGBREIT:** Adaptive reuse, thank you.

**THE PRESIDENT:** Just so we're clear.

**MR. WEGBREIT:** Exactly.

**MR. JONAS:** If they move forward with that approval --

**MR. WEGBREIT:** It binds them.

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**MR. JONAS:** It binds them to the extent that you want to move forward with that adaptive reuse.

**MR. WEGBREIT:** I know we were dealing with another issue where the condo agreement was able to control a certain aspect of a totally different project.

**MR. JONAS:** Well, we took care of the architectural easement by way of condo document. That's built into the Ordinance, too.

**MR. WEGBREIT:** And is there anything that can be done?

**MR. JONAS:** Well, the Ordinance, in hindsight, the Ordinance could have looked at the issue, but nobody raised it, at the issue of loading areas on these old buildings that have, you know, issues whether they were nonconforming or not. But, as Bob said, we were looking at the issue of the use and the preservation of the facade and character, and that's what the focus of the Ordinance was. We weren't looking at some of the these operative issues such as loading. It could have been

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2 addressed in the Ordinance, perhaps, if it were  
3 appropriate.

4                   But, you know, here's another  
5 question: Do you want to have -- I mean, this is  
6 a municipality where there's lots of street  
7 parking, narrow roads, and if you don't have a  
8 loading area sufficient, this is residential  
9 where people are moving out from time to time, if  
10 you don't have a loading area, where's it going  
11 to be? Is it going to be on the streets? You  
12 have level parking on the street with vans and  
13 things like that. I mean, there are some  
14 operational issues that are important. That's  
15 why the Ordinance requires loading and unloading  
16 spaces.

17                   **MR. MUDERICK:** But we could  
18 at a future time and not limited to this project  
19 amend that section of the Code.

20                   **MR. JONAS:** Sure. Sure. You  
21 have the legislative power to do that. But right  
22 now, you don't have the legislative power or  
23 jurisdiction to overlook the zoning requirement.  
24 That's freestanding.

25                   **MR. WEISBORD:** And there are

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2 several remedies that Council could look, pursue  
3 at a later time if we chose to do that, both in  
4 conditional use ordinance, but also to assign  
5 loading areas in front of residential buildings  
6 of greater than four units or something.

7 **MR. JONAS:** If you wanted to,  
8 you could in the time frame probably equivalent  
9 to a zoning application amend your Ordinance.  
10 You need an amendatory ordinance and send it to  
11 the Borough Planning Commission, the County  
12 Planning Commission, and you could hold a hearing  
13 within thirty days of or after thirty days from  
14 the date of transmittal and enact it that night.  
15 So you could amend your Ordinance if you wanted  
16 to provide relief that way.

17 **THE PRESIDENT:** Now, the  
18 fastest, and in what we've done in the past, I  
19 think, is you brought up earlier where if it did  
20 go to the Zoning Hearing Board and Council took a  
21 position in favor of granting relief, I think you  
22 estimated that to be, like, 30-, 35-day time  
23 frame.

24 **MR. JONAS:** You have 30, 45  
25 days. I mean, there's some post-development

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2 issues that we need to do here. There are plans  
3 that have to be revised, there are agreements  
4 we're going to have to do. But, you know, that  
5 is all -- that is all going to be done concurrent  
6 with either a zoning application or talking to  
7 the zoning office and the Borough engineer or  
8 resolving it from -- so I'm not frankly buying  
9 the argument that we're jeopardizing the project  
10 and it's going to be razed, you know, if you  
11 don't provide variance relief tonight. We can  
12 all -- that all can happen concurrently. But  
13 there are post-approval issues that are going to  
14 be addressing forthwith, and a zoning application  
15 or resolving the zoning issue can concurrently  
16 occur.

17 **MR. WEISBORD:** Is there more  
18 discussion?

19 **MR. MUDERICK:** I would just  
20 like to say that I agree with you, that I want  
21 this project to move forward, and I think it's a  
22 great project, and I think it's a great way to  
23 preserve the character of the Borough, and I  
24 would urge all parties involved in moving forward  
25 with this vote to do what it takes to move

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2 forward as quickly as possible, because I think  
3 continual delays that -- other, you know, things  
4 that cause people to drag their feet are not  
5 going to help this project and not help future  
6 projects come to the Borough to help do the same  
7 thing with other properties. My two cents.

8 **THE PRESIDENT:** Anybody else  
9 in Council have any questions or comments?

10 **MR. WEGBREIT:** Did the  
11 engineer have an alternative suggestion at the  
12 time or it was just it doesn't work?

13 **MR. JONAS:** The engineer  
14 weighed in only today because he heard that the  
15 driveway, the loading -- I don't think anyone  
16 knew where the loading area was going to be. But  
17 we heard today it was going to be outside, and  
18 then he waited and said in utilizing the driveway  
19 it wasn't the answer. There really wasn't time  
20 to look at alternatives. And I'm sure we could  
21 ask the Borough engineer to try to work  
22 cooperatively and see what some of the solutions  
23 are. Maybe the applicant's engineer has  
24 missed -- he did suggest even, perhaps, even an  
25 easement and use of the adjacent property, which

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2 is --

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**MR. WEGBREIT:** St. Margaret's.

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**MR. JONAS:** Yeah.

5

**THE PRESIDENT:** Let's get the

6 Borough engineer --

7

**MR. JONAS:** Everybody wants

8 this to work. There's just a little glitch here.

9 And, again, you know, had the applicant, you

10 know, as of June 9th, when the first review

11 letter had come in, taken a look at this issue

12 and addressed it with the Borough engineer or

13 with the zoning officer, it would have been

14 resolved by now.

15

**THE PRESIDENT:** We don't need

16 to go there. To move forward --

17

**MR. MOSER:** Can I make a

18 statement since I'm the owner of the property?

19

**THE PRESIDENT:** Not right now

20 you can't. We're in the middle of a motion

21 pending, and it's a discussion limited to

22 Council. I don't think we can.

23

**MR. JONAS:** That's correct.

24

**THE PRESIDENT:** So are we

25 ready to vote on the motion?

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**MR. MUDERICK:** Yeah.

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**THE PRESIDENT:** All those in

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favor --

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**MR. WEISBORD:** Do you want me

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to restate it?

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**THE PRESIDENT:** I have it

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here.

9

**MR. JONAS:** You first have

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the motion to grant the waiver separate, and then

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motion for the approval.

12

**MR. MUDERICK:** The second one

13

is on the table right now. So why don't we pass

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that. Can we go back and pass the part one?

15

**MR. JONAS:** Why don't you

16

amend the motion to include the waiver.

17

**MR. WEISBORD:** Amend this

18

motion to add a motion to grant the waiver for

19

the old St. Margaret's school and move for the

20

waiver from Section 113-17.A(2).

21

**THE PRESIDENT:** You had --

22

**MR. MUDERICK:** I'll second.

23

**MR. JONAS:** You second that?

24

**MR. MUDERICK:** Yeah.

25

**MR. WEISBORD:** These are

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2 rolled into one?

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**MR. JONAS:** Why don't you  
4 vote on the amendment.

5

**MR. WEISBORD:** Okay.

6

**THE PRESIDENT:** Any  
7 discussion on the amendment?

8

(No response.)

9

**THE PRESIDENT:** All in favor  
10 of approving the amendment?

11

**MR. WEISBORD:** Aye.

12

**MR. WEGBREIT:** Aye.

13

**MR. MUDERICK:** Aye.

14

**THE PRESIDENT:** Aye.

15

Any opposed?

16

(No response.)

17

**THE PRESIDENT:** Motion  
18 carries unanimous.

19

**MR. JONAS:** So, now, you have  
20 the amended motion in front of you.

21

**MR. WEISBORD:** Should I  
22 restate the motion?

23

**MR. JONAS:** Why don't we just  
24 say that it's the motion to grant the waiver from  
25 Section 113-17.A(2) requiring a 24-foot driveway

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2 width, and it's a motion to approve subject to 15  
3 conditions, including the details and drawing  
4 sheets that had been discussed at the Narberth  
5 Planning Commission meeting with the members of  
6 the Zoning Committee. So there are 15 conditions  
7 as part of that motion.

8 **MR. WEISBORD:** And I want to  
9 add in addition to the documents presented to  
10 Building and Zoning Committee on June 30th as  
11 outlined in -- as indexed here in this packet.

12 **MR. JONAS:** Are you  
13 identifying Paragraph 15 of the motion?

14 **MR. WEISBORD:** This package  
15 is not identified yet. Let me make sure that  
16 under Section 14, discretionary drawings, that we  
17 have those in the package, delivered to Building  
18 and Zoning Committee on June 30th.

19 **MR. JONAS:** Then you're going  
20 to want to further amend the motion to include  
21 the package. I don't have that package.

22 **MR. WEISBORD:** Amend the  
23 motion to include the package submitted by the  
24 applicant, Mr. Moser, to the Building and Zoning  
25 Committee on June 30th.

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**MR. MUDERICK:** Second.

**MR. JONAS:** So that will be Paragraph 16 of the motion?

**MR. MUDERICK:** Correct.

**MR. JONAS:** Can you identify the packet of documents?

**MR. WEISBORD:** Sure. It's items two through eight. And I guess we could title this the Narberth Building and Zoning Committee Meeting of June 30th.

**MR. JONAS:** So it's package submitted to Building and Zoning Committee on June 8th, items number two through eight.

**MR. MUDERICK:** June 30th.

**MR. JONAS:** June 30th, sorry. June 30th.

**MR. WEISBORD:** I don't know if we need to get this detailed. Do we include --

**MR. JONAS:** I can't attach that.

Did we have a second?

**MR. MUDERICK:** We did. We can vote on the second amendment.

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**THE PRESIDENT:** All in favor  
of the second amendment from building and zoning,  
please say aye.

**MR. WEISBORD:** Aye.

**MR. WEGBREIT:** Aye.

**MR. MUDERICK:** Aye.

**THE PRESIDENT:** Aye.

Any opposed?

(No response.)

**THE PRESIDENT:** Motion  
carries unanimous.

**MR. WEISBORD:** Now we have  
one last motion.

**MR. JONAS:** Yes.

**MR. WEISBORD:** I move to  
approve preliminary subdivision/land development  
for old St. Margaret's school as amended, with  
the motion to grant a waiver for the old St.  
Margaret's school and to include the package of  
titled Narberth Building and Zoning Committee,  
June 30th.

**MR. MUDERICK:** Second. We  
don't need the second.

**THE PRESIDENT:** All in favor

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of building and zoning motion, please signify by saying aye.

**MR. WEISBORD:** Aye.

**MR. WEGBREIT:** Aye.

**MR. MUDERICK:** Aye.

**THE PRESIDENT:** Aye.

Any opposed?

(No response.)

**THE PRESIDENT:** Motion

carries unanimous.

**MR. WEISBORD:** May I make a comment? I just feel that our satisfaction and our -- I would say we're really happy that Mr. Moser and his development team have come along and saw an opportunity in the old St. Margaret school to adaptively reuse it as a residence, and we look forward to continuing to work with you.

**MR. MOSER:** Unfortunately, I feel your solicitor better not eat his words.

**THE PRESIDENT:** We're going to move on.

**MR. WEISBORD:** That was my comment.

**THE PRESIDENT:** What's next



1                                   **NARBERTH COUNCIL MINUTES**

2    you, Mr. President.

3                                   **THE PRESIDENT:**   Okay.   Circle  
4    back to public safety.

5                                   **MR. MUDERICK:**   One moment,  
6    thank you.

7                                   Public safety did not meet  
8    this month as we are down one Council member with  
9    Mr. Alexander, and Mr. Diaz is on vacation.

10                                  I can report -- we have a  
11    report from the fire chief and a report from the  
12    fire marshal to be submitted to the public.  Do  
13    you have a police report?

14                                  **THE MAYOR:**   Not yet.

15                                  **MR. MUDERICK:**   Police report  
16    pending.  That's it.  We'll meet again a half  
17    hour before the combined caucus Council meeting  
18    in September.

19                                  **THE PRESIDENT:**   I ask that  
20    the fire department and the fire marshal reports  
21    be accepted and submitted and made available to  
22    the Council and public.

23                                  Next up, anybody have any  
24    questions for public safety?  Comments?

25                                  (No response.)

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**THE PRESIDENT:** Public works.  
Councilman Wegbreit.

**MR. WEGBREIT:** We have before us tonight the agreement with Pennoni Associates to oversee the contract and bidding documents on the unpaid portion of Hampton Avenue, the resurfacing. And I will be making the resolution later. If I have it right, they'll put the documents together, they'll accept bids, and the cost of organizing and planning that is roughly \$10,000.

**MR. MARTIN:** That's correct.

**MR. WEGBREIT:** And then assuming we accept the bid and move forward, there are additional costs, construction observation and oversight would be an additional \$6,000 roughly?

**MR. MARTIN:** That's correct.

**MR. WEGBREIT:** We would also have that choice as we go to that part to choose another construction oversight should we do that. So we're binding ourselves really only for the \$10,000. With this resolution, we would target accomplishing the paving of that section, which

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2 has been discussed for many years. And monies,  
3 assuming we do that, will come out of the one we  
4 approve tonight. So that's the background there.  
5 If there's any questions on that?

6 I'm going to submit the  
7 manhour report for the month. There is nothing  
8 extraordinary. The labor is a little higher, but  
9 that's because we have summer programs going on  
10 it appears. I submit that and it's available to  
11 the public.

12 The trash crew, the hauler  
13 that we have been using, we have additional  
14 comments to them, we discussed it at our Public  
15 Works Committee. We felt that the trash hauler  
16 had taken the initial round of comments and  
17 responded accordingly improving their service,  
18 picking up lids, picking up cans. There's still  
19 some concern out there with grass clippings and  
20 such that the Borough manager will continue to  
21 both monitor and make knowledge available to the  
22 community as well as to the hauler, and we  
23 continuously thank those who have put in their  
24 concerns, because they want them to be good, we  
25 want them to be good, and it's coming around.

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The last item on my notes here is the tunnel area, where we're looking to move forward eventually or soon with documentation that would allow us to submit to PennDOT for roundabout. The survey was completed; however, due to vacation schedules, that our traffic planner, TPD, are a couple weeks behind in getting their analysis of how that fits in with the submission. So we should be discussing that within next week per my conversation with Jeff Todd, and hopefully at that point, we'll have more knowledge to share with Council and how that would work and lead to the next steps there. Anybody has anything to add to that?

**THE PRESIDENT:** I guess the one question with the hauler, are they suppose to take our grass clippings or not?

**MR. MARTIN:** They are no longer permitted to take grass clippings in with the trash. They have to be taken and we have it in the news letter for distribution. They have been advised by the transfer facility of a couple of things. The number one thing they have been

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2 advised of is that if it's a green vegetation, it  
3 should go into our normal brush collection, and  
4 that's where they have had their difficulty. It  
5 also appears as though there have been more so  
6 folks with grass and brush in it, and they have  
7 been advised of this by the transfer facility.

8 **MR. WEGBREIT:** It's not the  
9 hauler that doesn't want to take it. The hauler  
10 doesn't have any place to take it to.

11 **MR. MUDERICK:** It will  
12 contaminate their whole load and then it won't be  
13 accepted.

14 **THE PRESIDENT:** I mean, are  
15 we suppose to put them in trash cans the second,  
16 last Tuesday?

17 **MR. MARTIN:** It should go  
18 into the brush collection, the brown bags, yes.

19 **THE PRESIDENT:** And that's  
20 once a month; right?

21 **MR. WEGBREIT:** Twice a month.

22 **MR. MARTIN:** It's actually  
23 more than that, as we get into this time of year,  
24 because we anticipate there being more leaves,  
25 more brush and more removal. In next year's

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2    schedule, we have already discussed the fact that  
3    they're going to increase brush collection  
4    throughout the spring, summer, and fall, not only  
5    the fall.

6                                   **MR. WEGBREIT:**   It would be  
7    good to coordinate with you, Tom.

8                                   **THE MAYOR:**    You can raise  
9    something about it.

10                                  **MR. MARTIN:**   They're on the  
11    schedule presently.

12                                  **THE PRESIDENT:**  I have one  
13    other question.  With this roundabout, your most  
14    optimistic schedule would you foresee  
15    construction beginning before the construction of  
16    North Narberth bridge or after?

17                                  **MR. WEGBREIT:**   So you've got  
18    two factors.  You have North Narberth bridge,  
19    which is a random shot and you got --

20                                  **THE PRESIDENT:**  Before or  
21    after.  Give us your most optimistic --

22                                  **MR. WEGBREIT:**   Optimistic  
23    would be before.  A lot of the time frame that we  
24    have that's involved in this is in the  
25    guestimates.  A lot of that has been done.



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2 and solidified locations for the shelf assembly  
3 with the consideration of future building  
4 modification and present tenants' awareness. So  
5 that elevator project is underway. And I'll  
6 submit that for review of Council and public.

7

Aaron and the Finance  
8 Committee have already stolen the thunder of the  
9 Property Committee, but we should, once again --

10

**MR. MUDERICK:** Once again.

11

**MR. WEISBORD:** Once again

12 express our gratitude for this grant that is  
13 awarded to the Borough of Narberth for the East  
14 Branch of the Indian Creek Stormwater Management  
15 Initiative.

16

Does anybody want to say  
17 anything else?

18

**MR. WEGBREIT:** I think we  
19 should just ask Patty and Todd of anything that  
20 we should know or are you here to answer our  
21 questions?

22

**MS. THOMPSON:** Yeah. We're  
23 just here to answer questions and, you know,  
24 express how excited we are to be working with you  
25 in a new way. It's a new exciting project. And

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2 I know it's been -- you've been contemplating it  
3 for a really long time, and we're excited to be  
4 able to make the projects come to a reality. And  
5 it was really fortuitous to be able to connect  
6 the two, because it will be stronger, the terrace  
7 project and Windsor Avenue, you know, we'll be  
8 able to marry the two projects, and then work  
9 together, and we hope it's a great benefit. So  
10 we're delighted, and Todd is here, you know, just  
11 to express --

12 **MR. BRESSI:** As vice-chair of  
13 the conservancy, co-author of the Borough Zone  
14 and Space Master Plan, resident of Narbrook Park,  
15 I'm triply happy and thankful for your support.  
16 I would like to guarantee you that I personally  
17 will make my match of this project through my  
18 volunteer hours and the project at Narbrook Park  
19 useful.

20 **THE PRESIDENT:** The  
21 neighborhood children want to know if you're  
22 going to build, like, a sled ramp to go over the  
23 creek. That's what they want for the wintertime.

24 **MR. BRESSI:** We got to get  
25 the hill working a little better. We'll take it

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under advisement, Mr. Chairman.

**THE PRESIDENT:** Thank you.

**MR. WEISBORD:** I know the Property Committee has had a lot of fun following this initiative. Once again, our gratitude.

Also, I just think it's really fantastic the way this project was put together. The roadway and the landscape and the buildings, you know, that it's not kind of like focused in one. It's an excellent project.

I don't think there's anything more from the property other than the meeting schedule. I'll leave that with Richard to work out. Thank you.

**THE PRESIDENT:** Okay. Building and zoning is done.

Next up is economic development. I'll defer to Councilman Wegbreit here.

**MR. WEGBREIT:** I'll ask Ed, since he's here. When we spoke at the meeting about the proposal, where we would move forward with that? Did we suggest that we would move forward on the map? I think that's where we left

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2 it. Where are we timing and direction wise?

3

**MR. RIDGWAY:** At the last

4 Economic Development Committee, we talked about a

5 couple of different projects. One of them was a

6 print piece. And one of the elements of that

7 print piece is a map. The map is underway. And

8 the print piece, we need to talk a bit more about

9 that. I've got some ideas on how to do that.

10 But the map is underway. That's a relatively,

11 you know, small/medium project. And no matter

12 where the print project goes, we're going to have

13 a lot of good uses for this map that will be good

14 for the residents and the businesses.

15

**MR. WEGBREIT:** Great. When

16 do we expect to see the map?

17

**MR. RIDGWAY:** I've got

18 sketches of it already. I can send you the --

19 but they were early draft sketches of what its

20 going to look like.

21

**MR. WEGBREIT:** What are you

22 targeting?

23

**MR. RIDGWAY:** Basically, the

24 station overlay area of the downtown area, and

25 there will also be the Montgomery Avenue corridor

1                                   **NARBERTH COUNCIL MINUTES**

2    will be mapped as well to represent those  
3    businesses out there.

4                                   **MR. WEGBREIT:**    So when will  
5    we see these items that we can share with Council  
6    and some of the business owners?

7                                   **MR. RIDGWAY:**    I can e-mail  
8    you rough drafts tomorrow and then I'll give you  
9    them as they come in.    But the artist has been  
10   working on it pretty much every day.

11                                  **MR. WEGBREIT:**    Great.

12                                  **MR. WEISBORD:**   Just a point  
13   of organized order, I guess.   I see here on  
14   Mr. Diaz's place that there was actually a formal  
15   resolution from the Property Committee.   Do we  
16   want to move --

17                                  **MR. MUDERICK:**    I think we  
18   dealt with that.

19                                  **MR. WEISBORD:**    We sort of  
20   already done it.   We'll just send it in.

21                                  **THE PRESIDENT:**   Send it up,  
22   thank you.   Anything else for economic  
23   development?

24                                  **MR. WEGBREIT:**    I don't think  
25   so.



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2 it quite a bit. I thought he really raised  
3 everything with the committee, and the initial  
4 succession planner had developed. So the only  
5 couple comments or there's one detail that's  
6 suggested that had said the applicants for this  
7 role would, you know, have to have a college  
8 degree. Some of the comments back on that was it  
9 will most likely happen, but not necessarily to  
10 mandate that, you know, the work product can  
11 speak for it. So I will suggest to you that we  
12 remove that line. It's not the threshold line.  
13 There's another comment on more customer service  
14 in the description. But as I reread the  
15 description this morning, I saw it was really  
16 noted in two areas, that type of characteristic  
17 of meeting with the public, meeting with other  
18 people, you know, the customer service concept is  
19 just stated actually in more detail than using  
20 that term "customer service." So I'm going to  
21 leave that sit. And then Bob had a quick comment  
22 that you suggested ability or knowledge of usage  
23 of GES -- is it GES?

24 **MR. RIDGWAY:** GIS.

25 **MR. WEGBREIT:** GIS. And I

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2 think while that's something characteristic that  
3 we'll look at -- I don't know if we want to state  
4 that as a particular skill item to limit the  
5 field, but, I mean, it's certainly something --  
6 it's a working document of what the applicant  
7 will draw from the applicant pool. And as we --  
8 and they start their interviewing and bring  
9 candidates to us, and then we eventually  
10 interview the final candidates. And those are  
11 the type of things that will stand out, I think,  
12 within that we anticipate in the resumes.

13 So the only last step is I  
14 asked our labor attorney group to take a look at  
15 the --

16 **MR. MUDERICK:** Did he get  
17 back to you?

18 **MR. WEGBREIT:** He did get  
19 back to me. He was on vacation, and I also was  
20 on vacation, and I asked him for just a  
21 five-minute overview of it to see, stop, I want  
22 to make sure somebody reads it, or it seems like  
23 it's in order. I think at this point, though,  
24 based on our experience of Sprinstead group, I  
25 didn't see anything, and we all looked at it. I

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2 think we're safe to put it out there. There's  
3 nothing in it that drew a flag of any type. And  
4 if for some reason it does, we'll cancel it and  
5 repost it rather than wait two weeks for him to  
6 come back from vacation. So I'll be sending  
7 Sprinstead a note tomorrow to release it. There  
8 was a formatting structure that Bob had a concern  
9 about. I went on my phone when I reviewed it.

10

**MR. MUDERICK:** You can't

11 format on a phone.

12

**MR. WEGBREIT:** So I will tell

13 them to review that before they --

14

**MR. MUDERICK:** There's a

15 sentence fragment in the first two paragraphs  
16 that were duplicated.

17

**MR. WEGBREIT:** I didn't see

18 that.

19

**MR. WEISBORD:** There was a

20 paragraph superimposed on a photograph.

21

**MR. WEGBREIT:** Yeah. That

22 was an issue I saw.

23

**MR. MUDERICK:** It had a word

24 "unique" in it. It was fragmented twice.

25

**MR. WEISBORD:** I downloaded

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2 it PDF from my computer. I'll show it to you.

3

**MR. WEGBREIT:** So I can send

4 it to phone, MAC, PC, and web. So, hopefully,

5 based on those little notes, I would suspect he

6 would get it out towards the end of the week.

7 And I think I sent everybody a note with what the

8 suggested schedule was, which was to find a

9 candidate, to have the candidate pool open for

10 resumes for a date in September roughly thirty

11 days from when he sends out and releases it.

12 When it's released, it'll be sent, you know,

13 we'll all have the ability to forward it, to post

14 it. It will be a public document by all means.

15 So, hopefully, that will draw the candidate pool.

16 It's the same recruiter that did the work in

17 Lower Merion, and, you know, we're very excited

18 about this process. The description of Narberth

19 was almost, you know, better than what we

20 describe it ourselves.

21

**THE PRESIDENT:** It could be a

22 tourism brochure.

23

**MR. WEGBREIT:** Well, I think

24 a lot of it is cut and pasted from some of that

25 work product.

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So the scheduling would be to see resumes come in sometime in September. We'll work pretty efficiently with screening the resumes and applicant letters, doing pre-phone interviews, some type of soft prescreening to bring us to probably a pool of ten or twelve resumes, with a goal of four to six interviews that we would set up.

**MR. MUDERICK:** Or three,

depending on who asks.

**MR. WEGBREIT:** Where we would

set up a time away from Council meetings to meet.

So that will probably be end of September,

beginning of October, and that will take us

probably a total of six hours or so. So we'll

have to think about that type of schedule. And

then they'll narrow it down to one or two

candidates, bring them back, do a thorough

background check, police check, that type of

thing, and then we'll have an offer.

The other element is he's

doing -- we'll be receiving soon is a salary

survey of sorts of what other municipalities are

paying, local and such, so that we know where we

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2 are competitive or not competitive. We haven't  
3 set a solid number at this point, but that will  
4 help us guide that conversation. And it's not  
5 going to be a salary included in the  
6 advertisement.

7                   The last thing was, there was  
8 one element within this process where he said  
9 that he would interview roughly ten community  
10 members. So I would ask each of the Borough  
11 members to send me a list of three to five  
12 people. From that list, I'll see how obvious it  
13 is or not, and we can discuss it from our  
14 committee to who to ask to do that, but I would  
15 like to get that. I know from conversation with  
16 Richard is the only one who actually sent me a  
17 list of names.

18                   **MR. MUDERICK:** I'll send you  
19 them right now.

20                   **MR. WEISBORD:** Me too.

21                   **MR. WEGBREIT:** And that will  
22 help us guide additional thoughts to what the  
23 community as well as the Council is looking from  
24 this role.

25                   **THE PRESIDENT:** Does anybody

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2    have any questions?  What's that part you were  
3    talking about -- telephone, prescreening,  
4    interviews?  Is this candidates?

5                                   **MR. WEGBREIT:**  I shouldn't  
6    speak for him.

7                                   **THE PRESIDENT:**  Who's going  
8    to do it?

9                                   **MR. MUDERICK:**  Sprinstead.

10                                  **MR. WEGBREIT:**  Yeah.

11                                  **THE PRESIDENT:**  Okay.  I  
12    didn't understand.

13                                  **MR. WEGBREIT:**  It will be  
14    fairly soft.  Normally what you do -- I mean, I  
15    shouldn't speak for him, but in other businesses  
16    that I've worked with, you know, it's not the  
17    full interview, but it's just a -- we might take  
18    twenty candidates and say we got your resume, we  
19    saw this note, we saw that note, is this correct,  
20    is that correct.  And if something draws a flag,  
21    they would probably be stopped.  And if not, then  
22    they would be considered for the real, you know,  
23    interview.

24                                  **THE PRESIDENT:**  Anybody else  
25    have any questions or comments?

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(No response.)

**THE PRESIDENT:** Parking Ad

Hoc. Mr. Wegbreit.

**MR. WEGBREIT:** Bill, where  
are we on that?

**MR. MARTIN:** We have finished  
all of the meters that we can finish. They have  
a series of them that are about nine years old.  
We have a woman by the name of Wilbanks, at POM.  
She is supplying us with some numbers for the  
replacement of the insides of those meters that  
will fit into the casings that we have taken into  
consideration. We figure there will be somewhere  
between twenty and thirty of those. That  
although they have -- we've done everything we  
can do to them; it's going to be the replacement  
insides that are going to be necessary for us.  
We have figured that into our -- actually, we  
thought we might be closer to fifty, but between  
what Mr. Kennedy and the crew have been able to  
do with the ones that we have and with Ms.  
Wilbanks's assistance, we've been able to get  
better than we thought. So we should have a  
number from her, and we're going to go ahead and



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anybody complain about the actual luggage of the quarters?

**MR. MARTIN:** Zero.

**MR. WEGBREIT:** We'll talk about it in committee.

**MR. MARTIN:** We haven't had one word about that at all.

**MR. WEGBREIT:** Also, I'd ask Mr. Martin to see if there's -- what the level of ticketing was this year, this July versus last July, considering that we had an extra body on the street writing tickets, and your response was negligible, if not less, overall ticketing.

**MR. MARTIN:** Almost identical.

**MR. WEGBREIT:** Yeah. Which means there's nothing really to note. Thank you.

**THE PRESIDENT:** Next up Agenda Item No. 7, citizens present. Anyone like to address Council?

(No response.)

**THE PRESIDENT:** Okay. Moving along to resolutions. Public works, a motion to authorize the agreement with Pennoni Associates.

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2                                   **MR. MARTIN:** Completed.

3                                   **THE PRESIDENT:** Okay. We did  
4 the motion for, B, as well for the National  
5 Wildlife, Fish and Wildlife Fund. We did motion  
6 C motion. Motion D, did we table that?

7                                   **MR. MARTIN:** That's tabled  
8 until the September meeting.

9                                   **THE PRESIDENT:** So we're done  
10 with all the resolutions.

11                                   Ordinances to be introduced  
12 and considered for adoption. We took care of  
13 that with the general obligation note.

14                                   Ordinance for enactment, we  
15 actually did that as well.

16                                   Unfinished business.

17                                   **MR. WEGBREIT:** There's one  
18 resolution for an item to be submitted, the  
19 proposal by Pennoni.

20                                   **MR. MARTIN:** I think you  
21 handled that.

22                                   **MR. WEGBREIT:** We discussed  
23 it. I don't think we voted on it.

24                                   **THE PRESIDENT:** Let's vote on  
25 it.



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2    we want to curve the curb with the access points  
3    coming from the other side.

4                                   **THE PRESIDENT:**    So next up  
5    will be unfinished business.    Police  
6    negotiations.    But that's not something we'll  
7    talk about other than do you have a meeting  
8    schedule?

9                                   **MR. MUDERICK:**    We had a  
10   meeting with our attorney, a phone conference  
11   this week.    Now everybody is on vacation, so  
12   we'll have one at the September meeting regarding  
13   police negotiations.    So we'll inch forward  
14   slowly.

15                                   **THE PRESIDENT:**    New business.  
16   We've got the Council vacancy to deal with.    I  
17   guess I had sent out a letter when we first heard  
18   about this that our process would be accepting  
19   the resignation, which I think happens tonight,  
20   and then we need to advertise the process for  
21   appointing a replacement.

22                                   So, in the past, we have  
23   solicited letters of interest and resumes.    And  
24   then once we determined how many we got, we  
25   scheduled interviews and then voted after the



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2                                   **THE PRESIDENT:** Then we have  
3 to do it, okay. I guess for just, you know, not  
4 as a cold-hearted deadline meeting of  
5 September 8th.

6                                   **MR. MUDERICK:** We can do our  
7 interviews before the meeting.

8                                   **THE PRESIDENT:** Right, right,  
9 yeah. Do you want to put a deadline for the  
10 submission, like, August 31st? Later? Earlier?

11                                   **MR. MUDERICK:** Make it the  
12 Monday.

13                                   **MR. MARTIN:** The 29th is a  
14 Friday.

15                                   **MR. MUDERICK:** The day after  
16 Labor Day. What's that?

17                                   **THE PRESIDENT:** That's  
18 probably the 2nd.

19                                   **MR. MUDERICK:** September 2nd.  
20 Give people to come back from whatever they were  
21 doing.

22                                   **MR. WEGBREIT:** The only thing  
23 I would suggest is we make a note that interviews  
24 will be held either September 4th or September  
25 8th. That way -- I'm throwing out the 4th as a

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2   suggestion, it's a Thursday -- if we receive I  
3   would say more than three entries, we need to  
4   have more time. And that way if somebody is not  
5   available September 8th, we also can give them  
6   September 4th.

7                                   **THE PRESIDENT:** We don't need  
8   to set up the interviews until we see how many  
9   applicants we have.

10                                  **MR. WEGBREIT:** I just think  
11   it helps.

12                                  **MR. MUDERICK:** It helps to  
13   tell people when they might be called in.

14                                  **MR. MARTIN:** I think what  
15   we've done in the past is have two days to ask  
16   folks to be available for at least one of the two  
17   days.

18                                  **THE PRESIDENT:** How about a  
19   Wednesday and a Monday since that's when Council  
20   meets? That way we can eliminate the people that  
21   can't make the meetings.

22                                  **MR. MUDERICK:** Fine with me.

23                                  **THE PRESIDENT:** Do it on  
24   September 3rd and September 8th, before the  
25   meeting, interviews.

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**MR. MUDERICK:** Fine by me.

**MR. MARTIN:** So I'm suppose  
to be available September 3rd and September 8th?

**THE PRESIDENT:** Yes. I mean,  
obviously, we can to try to accommodate anyone.

So what about for advertising  
requirements, do we have to do anything special?

**MR. JONAS:** Not with an  
ordinance or a resolution.

**MR. MARTIN:** I mean, put it  
on the website and put it on the bulletin boards.

**MR. JONAS:** Just putting up  
notice.

**THE PRESIDENT:** Tom will help  
us.

**THE MAYOR:** Yes.

**MR. MUDERICK:** I move that we  
accept the letter of resignation for Michael  
Alexander.

**THE PRESIDENT:** Okay.  
Second?

**MR. WEISBORD:** Second.

**THE PRESIDENT:** All in favor?

**MR. WEISBORD:** Aye.

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**MR. WEGBREIT:** Aye.

**MR. MUDERICK:** Aye.

**THE PRESIDENT:** Aye.

We accept his resignation.

I guess one other item of unfinished business is decipher the treasurer report.

We have a general fund balance of \$843,041.28. We have a fire company equipment fund total of \$600,503.29. There's various other assorted fund accounts that bring total invested PLGIT funds into July 31st to \$1,884,452.83.

**MR. MARTIN:** I have one item also.

**THE PRESIDENT:** Okay.

**MR. MARTIN:** This is the meeting I just keep bringing you guys more money. As of July 25th, we now have \$1,249,000 towards the final design and reconstruction of the Narberth Avenue bridge.

**MR. MUDERICK:** That is committed or in our account?

**MR. MARTIN:** That is

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committed. With 80 percent being handled under the bridge bill, 50 percent under the federal program, and five percent, approximately \$200,000, which will be required by the Borough. But the \$560,000 for the estimated cost of the final design is hereby released, authorized, and we have advised our engineering people as well.

**MR. MUDERICK:** Great. This was expected.

**MR. MARTIN:** Oh, yes. Well, I think Mr. Wegbreit put it the best way. Considering the bridge, this was the next step to be expected in considering their time limitations and how long it took us to get one down. I think this is a very positive movement in that area.

**THE PRESIDENT:** We're going to have to have a brief executive session.

Motion to adjourn.

**MR. WEISBORD:** I move that we adjourn the meeting.

**MR. MUDERICK:** Second.

**THE PRESIDENT:** All in favor?

**MR. WEISBORD:** Aye.

**MR. WEGBREIT:** Aye.

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**MR. MUDERICK:** Aye.

**THE PRESIDENT:** Aye.

Okay. Let's say five minutes  
and we'll reconvene.

(At 9:11 p.m., proceedings  
were concluded.)

— — —

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.

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Tim Kurek

Official Court Reporter

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